



ATTENTION

Probate cases on this calendar are currently under review by the probate examiners. Review of some probate cases may not be completed and therefore have not been posted.

If your probate case has not been posted please check back again later.

Thank you for your patience.

Petitioner Dina Calvillo (Court Investigator, Superior Court of CA, County of Fresno)

Petition for Transfer

		<p>GAIL HAIR and SHERYL MICHAEL, sisters, were appointed Successor Co-Conservators of the Person and Estate on 1/25/2008.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p>
		<p>Court Investigator filed a <i>Petition for Transfer</i> on 6/4/2015.</p>	<p>Notes:</p> <ul style="list-style-type: none"> • Proof of Service by Mail of the Notice of Hearing filed 7/8/2015 shows Attorney Marvin Helon was served with notice and a copy of the <i>Petition for Transfer</i> on 7/8/2015, pursuant to the <i>Request for Special Notice</i> filed on 3/19/2008. • Minute Order dated 3/10/2009 states the Court has no questions and will grant the request to dispense with further accountings. The Court dispenses with further accountings unless the real property is sold. (Conservatee owns a 1/16th interest in undeveloped real property consisting of 24 acres in the outskirts of east Fresno.) • Pursuant to Probate Code § 2217(a), when an order has been made transferring venue to another county, the court transferring the matter shall set a hearing within two months to confirm receipt of the notification described in 2217(b). If the <i>Petition</i> is granted, Court will set a Status Hearing as follows: <ul style="list-style-type: none"> ○ Wednesday, September 30, 2015, at 9:00 a.m. in Dept. 303 for confirmation of receipt of transfer.
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			<p>Reviewed by: LEG</p> <p>Reviewed on: 7/8/15</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 1 - Storey</p>

Attorney Poochigian, Mark S. (for Petitioner Ann L. Kromberg, Administrator)
 Attorney Krause, Stefanie J. (for Ruth P. Lind, former Attorney for Administrator Ann Kromberg)

First and Final Report of Personal Representative, Petition for Termination of Decedent's Estate and Allowance of Attorneys' Fees on Waiver of Accounting

DOD: 6/10/1991		<p>ANN L. KROMBERG, daughter and Administrator, is Petitioner.</p> <p>Accounting is waived.</p> <p>I & A — \$375,000.00 POH — \$0.00</p> <p>Administrator — waives</p> <p>Attorney (BMJ) — \$8,400.00 <i>(80% of total \$10,500.00 statutory fee requested to be paid to Baker Manock & Jenson; Declaration of Ruth Lind filed 6/22/2015 states she represented the Administrator during a substantial part of the probate matter, up to and including the preparation in its entirety of the Inventory and Appraisal, and she requests 80% of the statutory fee in the sum of \$8,400.00;)</i></p> <p>Costs (filing fee) — \$435.00</p> <p align="center">~Please see additional page~</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: <i>Petition for Allowance of Ordinary and Extraordinary Fees to Attorney Ruth P. Lind is set for hearing on <u>7/30/2015</u>.</i></p> <ol style="list-style-type: none"> <i>Proof of Service by Mail of the Notice of Hearing filed 6/26/2015 indicates a copy is attached listing additional persons to whom notice was mailed; however, no attachment is included and therefore it is unclear whether other persons were served notice of the instant hearing (no persons other than those indicated as served are entitled to notice.)</i> <i>Petitioner distributed the estate real property without Court order in violation of Probate Code § 10501(a)(4). Court may require Petitioner to procure a deed of rescission for the real property from Decedent's spouse, MARLENE KROMBERG, as suggested by Petitioner.</i> <i>Need proposed order.</i>
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		<p>Reviewed by: LEG</p> <p>Reviewed on: 7/10/15</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 2 - Kromberg</p>	

Petitioner states:

Character of Estate and Advance Distribution:

- The estate consists solely of real property, which the Decedent received as a gift from his parents on approximately 2/14/1949;
- Pursuant to that certain Declaration of Land Patent recorded on 9/13/1985, Decedent and **MARLENE KROMBERG**, spouse, severally certified and declared [*in sum, that the real property is patented and thereby a perfect fee simple title is held in their names*]; (copy of Land Patent attached as Exhibit A);
- Pursuant to the Land Patent, the real property that has been inventoried as an asset of this Decedent's estate was declared as of 9/13/1985 to be owned jointly by Decedent James M. Kromberg and Marlene Kromberg;
- Even in the absence of the Land Patent, the Decedent was married to Marlene Kromberg in 1953, and at all times during the marriage, including for many years prior to 1985 (the time which California first required transmutations to be in writing), the Decedent treated the real property as the community property of himself and Marlene Kromberg; the property was improved and farmed using community property, the Decedent and his wife Marlene Kromberg personally farmed the property, the proceeds from such property were treated as community property; thus, it appears to the Petitioner that such real property was the community property of the Decedent and Marlene Kromberg;
- The estate is in a condition to be closed; the estate administration was prolonged due to multiple factors, including that the Decedent's conservatorship case prior to his death (0420590) was not closed until 1998 [*Decedent's DOD 6/10/1991*];
- Petitioner, in attempting to complete the administration of the estate without incurring unnecessary attorney's fees, consulted with a paralegal service regarding completion of administration; based on that consultation, Petitioner incorrectly understood that as personal representative she was authorized to make distributions from the Decedent's estate after giving notice of the proposed action to interested persons;
- Petitioner distributed the Decedent's real property to Decedent's surviving spouse, Marlene Kromberg on 2/13/2015 after obtaining consents from the other heirs of the Decedent (copy of recorded Deed to real property attached as Exhibit B);
- If required by the Court, Petitioner will request that her mother [Marlene Kromberg] execute a deed of rescission, conveying the subject real property back to the estate of the Decedent, as Petitioner does not anticipate any problem obtaining such deed from her mother is required;
- There are no assets remaining in the estate for distribution, as Petitioner distributed the sole estate asset to the Decedent's spouse.

~Please see additional page~

Petitioner states, continued:**Representation and Attorney's Fees:**

- Attorney Ruth P. Lind was counsel of record for Petitioner in this matter from its inception in 1991 until 2/10/2015; (Petitioner consulted with but did not retain Baker Manock & Jensen in 2012, and Attorney Poochigian advised Ms. Lind in February 2012 that he had not been retained);
- Petitioner was [self-represented] from 2/10/2015 until 4/9/2015, when Attorney Poochigian began representing her until the present;
- Ruth Lind has, through counsel, corresponded with Petitioner regarding the amount of fees claimed to be owed to Ms. Lin (*copy of billing statement sent to Petitioner's counsel on 5/12/2015 attached as Exhibit C*);
- Ms. Lind requests 80% of the statutory fee (**\$8,400.00**), in addition to costs (**\$334.50**) and extraordinary fees for a total fee request of **\$28,467.50**;
- Petitioner objects to the fees requested by Ms. Lind, and is hopeful that good-faith attempts to resolve her dispute with Ms. Lind will result in their agreeing on a mutually acceptable amount of attorney's fees that should be paid to Ms. Lind and that such agreement may be reached prior to the hearing on the instant petition;
- As of the filing of this Petition, Baker Manock & Jensen has rendered ordinary and extraordinary services to the Petitioner, and requests that **80%** of the statutory fee be apportioned to it, and that additional fees for extraordinary services to the personal representative be awarded to Baker Manock & Jensen in an amount not to exceed **\$10,000.00**, based on appropriate substantiation.

Petitioner requests this Court order that:

1. Administration of the estate be closed without an accounting;
2. All acts and proceedings of Petitioner as personal representative be confirmed and approved;
3. Petitioner be authorized and directed to pay Petitioner's attorney Baker Manock & Jensen the sum of **\$8,400.00** as fees for ordinary services to Petitioner, **\$435.00** for costs advanced to the estate, and fees for extraordinary services to the personal representative in an amount not to exceed **\$10,000.00**, based on appropriate substantiation; and
4. Distribution of the estate in Petitioner's hands [*there are no assets remaining in the estate for distribution*], and any other property of Decedent or estate not now known or discovered be made to the persons entitled to it.

DOD: 11-25-04	<p>FRESNO COUNTY PUBLIC ADMINISTRATOR was appointed Successor Administrator on 11-28-06.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p>
	<p>Background: PRESTON VAN CAMP, Grandson, in pro per, was appointed as Administrator with Full IAEA without bond on 4-12-05 and Letters issued 4-14-05. Pursuant to various Assignments of Interest, Preston Van Camp was also to be the sole beneficiary. I&A filed 8-11-05 indicated a total estate value of \$175,249.00 consisting of real and personal property.</p>	<p>Minute Order 3/3/15: Continued to 7/14/15 for further status.</p>
<p>Cont from 041814, 052314, 111714, 011215, 012015, 030315</p>	<p>A status report filed 4-17-09 indicated that the decedent apparently owed taxes since 1997; therefore, the Administrator needed a 6-month continuance to sell assets, pay creditors, and file the petition for final distribution. The Administrator did not appear at the continued hearing date; however, and an OSC was issued.</p>	
Aff. Sub. Wit.	<p>On 11-28-06, Preston Van Camp was removed as Administrator and the Public Administrator was appointed as Successor Administrator.</p>	<p>Reviewed by: skc</p>
Verified	<p>The former Administrator was ordered to file his final account and distribute to the Public Administrator. The former Administrator's account and later his amended account detailed various transactions, including granting an option to purchase the real property. The Public Administrator filed objections, and both the original account and the amended account were ultimately denied. According to the amended petition, all assets inventoried (real and personal property) remained on hand.</p>	<p>Reviewed on: 7/8/15</p>
Inventory	<p>On 11-5-07, the Court ordered the assets turned over to the Public Administrator and reserved the right to surcharge.</p>	<p>Updates:</p>
PTC	<p>There was no further activity in this case until 2-14-14 when the Court set this status hearing for failure to file a petition for final distribution.</p>	<p>Recommendation:</p>
Not. Cred.	<p>Status Report filed 2-26-15 by Public Administrator states the unlawful detainer has been filed, but it took significantly longer to serve Pamela Van Camp than usual with the complaint. She was finally served on 2-18-15. Ms. Van Camp filed an answer on 2-23-15 that was received by the Public Administrator on 2-25-15. Once the unlawful detainer proceedings have concluded, the Public Administrator anticipates the house will require significant debris removal and cleaning before it can be sold. The Public Administrator requests that the status hearing on the final account be set no sooner than 4 months.</p>	<p>File 4 – Van Camp</p>
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NEEDS/PROBLEMS/COMMENTS:

4. Need Notice of Hearing.
5. Need proof of service of Notice of Hearing at least 15 days prior to the hearing pursuant to Probate Code §§ 1211, 1220, 11000, CRC 7.101 on:
- Bethesda Lutheran Communities

Note: "Proof of Service" filed 6/17/15 is insufficient pursuant to the above-referenced authority in that it does not contain mandatory language or properly notify the recipient of the hearing.

6. This petition does not contain the information required by CRC 7.550(b) for waivers of account.
7. Petitioner filed a Creditor's Claim on 6/5/15 in the amount of \$57,802.73 for expenses of administration related to the real property dating back to 2006. However, this claim has not been properly brought before the Court for approval pursuant to Probate Code §9252.

Therefore, Need Allowance or Rejection of Creditor's Claim pursuant to Probate Code §§ 9250, 9252. See Mandatory Judicial Council Form DE-174.

8. This petition does not address the above-referenced claim except to reduce the beneficiary's distribution by the amount of the claim. However, pursuant to CRC 7.403 and 7.550, claims filed must be adequately described in the petition.
9. Need detailed schedules of receipts, gains, losses, pursuant to CRC 7.550(b)(6). Petitioner appears to have calculated statutory compensation based on receipts that include inventory items, and the appropriate schedules are not provided. The fee calculation does not appear appropriate.
10. This estate has been open for approx. nine (9) years and no action was taken by the personal representative to close the estate until the Court set a status hearing in December 2013, which prompted action. Pursuant to Probate Code §12205 the Court may reduce the compensation of the personal representative if it determines that the time taken for administration exceeds the time required by this chapter (one year), the time taken was in control of the personal representative, the delay was not in the best interest of the estate or interested persons. Here, because accounting is waived, and because proper schedules are not provided regarding fee calculation and the creditor's claim has not been properly brought before the Court, Examiner is unable to review for specific detriment to the beneficiary of the delay; however, a brief review of Petitioner's request for fees as well the creditor's claim indicates that Petitioner was receiving rent and actively managing the property's expenses through 2015. Given the difference between the rent and expenses, how was such a long administration a benefit of the estate?
11. Need order. Local Rule 7.1.1.F.

Probate Status Hearing Re: Filing of Third Account

		<p>STEPHANIE LASSLEY, Mother, is Guardian of the Estate.</p> <p>The Guardian's Second Account was settled on 6/13/13 and the Court set this status hearing for the filing of the Third Account.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need Third Account or status report pursuant to Local Rule 7.5.</p>
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			Reviewed by: skc
			Reviewed on: 7/8/15
			Updates:
			Recommendation:
			File 6 - Lassley

Probate Status Hearing Re: Filing of Third Account

	<p>STEPHANIE LASSLEY, Mother, is Guardian of the Estate.</p> <p>The Guardian's Second Account was settled on 6/13/13 and the Court set this status hearing for the filing of the Third Account.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need Third Account or status report pursuant to Local Rule 7.5.</p>
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	Recommendation:	
	File 7 - Lassley	

Petition for Instructions

DOD: 3-29-13	<p>MARK REIFF, Executor with full IAEA and bond of \$2,100,000.00, is petitioner.</p> <p>Petitioner states: The beneficiaries of the estate are Concordia Lutheran Church, Kingsburg, CA, Kingsburg High School, Fresno Chapter of the Arthritis Foundation, The Lutheran Hour, and the American Heart Association. Requests for Special Notice have been filed by Colleen Zanolitch (whose interest has been distributed), J. Stanley Teixeira, Esq., attorney for Scott Raven, American Heart Association, and State of California Franchise Tax Board (since withdrawn).</p> <p>The decedent owned a 50% interest in Levin & Carlson, a California General Partnership, and also owned title to 50% of the partnership land, as set forth on Corrected I&A #3 filed 1-23-15. The other partner is Marilyn Lungren. Both women inherited their interests from their parents. The terms of the partnership documents permit continuance of the business upon agreement between Petitioner and the surviving partner or dissolution of the partnership at the end of the crop year following the death of a partner.</p> <p>Petitioner's counsel periodically followed up with counsel for Ms. Lungren regarding the business, requesting reports, et al., required by the partnership documents if the business was to continue following the decedent's death. Ms. Lungren did provide certain information, including a nice letter dated 4-2-14, in which she notes that taxes are due in December 2014, giving the appearance that she intended for the partnership business to continue for a lengthy period of time.</p>	NEEDS/PROBLEMS/COMMENTS:																																																																				
<p>Cont from 020315, 031015, 051215, 061615</p> <table border="1" style="width: 100%;"> <tr><td><input type="checkbox"/></td><td>Aff.Sub.Wit.</td><td></td></tr> <tr><td><input checked="" type="checkbox"/></td><td>Verified</td><td></td></tr> <tr><td><input type="checkbox"/></td><td>Inventory</td><td></td></tr> <tr><td><input type="checkbox"/></td><td>PTC</td><td></td></tr> <tr><td><input type="checkbox"/></td><td>Not.Cred.</td><td></td></tr> <tr><td><input checked="" type="checkbox"/></td><td>Notice of Hrg</td><td></td></tr> <tr><td><input checked="" type="checkbox"/></td><td>Aff.Mail</td><td>W</td></tr> <tr><td><input type="checkbox"/></td><td>Aff.Pub.</td><td></td></tr> <tr><td><input type="checkbox"/></td><td>Sp.Ntc.</td><td></td></tr> <tr><td><input type="checkbox"/></td><td>Pers.Serv.</td><td></td></tr> <tr><td><input type="checkbox"/></td><td>Conf. Screen</td><td></td></tr> <tr><td><input type="checkbox"/></td><td>Letters</td><td></td></tr> <tr><td><input type="checkbox"/></td><td>Duties/Supp</td><td></td></tr> <tr><td><input checked="" type="checkbox"/></td><td>Objections</td><td></td></tr> <tr><td><input type="checkbox"/></td><td>Video Receipt</td><td></td></tr> <tr><td><input type="checkbox"/></td><td>CI Report</td><td></td></tr> <tr><td><input type="checkbox"/></td><td>9202</td><td></td></tr> <tr><td><input checked="" type="checkbox"/></td><td>Order</td><td></td></tr> <tr><td><input type="checkbox"/></td><td>Aff. Posting</td><td></td></tr> <tr><td><input type="checkbox"/></td><td>Status Rpt</td><td></td></tr> <tr><td><input type="checkbox"/></td><td>UCCJEA</td><td></td></tr> <tr><td><input type="checkbox"/></td><td>Citation</td><td></td></tr> <tr><td><input type="checkbox"/></td><td>FTB Notice</td><td></td></tr> </table>	<input type="checkbox"/>	Aff.Sub.Wit.		<input checked="" type="checkbox"/>	Verified		<input type="checkbox"/>	Inventory		<input type="checkbox"/>	PTC		<input type="checkbox"/>	Not.Cred.		<input checked="" type="checkbox"/>	Notice of Hrg		<input checked="" type="checkbox"/>	Aff.Mail	W	<input type="checkbox"/>	Aff.Pub.		<input type="checkbox"/>	Sp.Ntc.		<input type="checkbox"/>	Pers.Serv.		<input type="checkbox"/>	Conf. Screen		<input type="checkbox"/>	Letters		<input type="checkbox"/>	Duties/Supp		<input checked="" type="checkbox"/>	Objections		<input type="checkbox"/>	Video Receipt		<input type="checkbox"/>	CI Report		<input type="checkbox"/>	9202		<input checked="" type="checkbox"/>	Order		<input type="checkbox"/>	Aff. Posting		<input type="checkbox"/>	Status Rpt		<input type="checkbox"/>	UCCJEA		<input type="checkbox"/>	Citation		<input type="checkbox"/>	FTB Notice		<p>Minute Order 6/16/15: Counsel requests 30 days to compelte the possible mediated settlement.</p> <p>Update: Status Report filed 7/10/15 by Attorney Teixeira states he has not received any proposed revisions to the agreement, and Executor and his attorney have raised "issues" that were not discussed at the mediation. The parties have agreed that the mediator shall decide the outstanding matters; however, he has been on vacation and they expect his decision in the next week or so. Mr. Raven has opened escrow and deposited all funds so that the transaction may be completed as quickly as possible.</p> <p>Note: The Order Settling Executor's First Account entered 12-8-14 authorized continuation of the administration for up to one year. A status hearing is set for 1-11-16 for the filing of the Second/Final Account.</p>
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Petitioner states: The partnership is the lessor and Scott Raven is the lessee of that certain farm lease dated 12-1-02 (extension of prior 1993 lease) that expires in 2023 (Exhibit D). Complicated rights to purchase the real property are included in the referenced documents. The documents give Ms. Lungren the right to purchase the estate's interest in the partnership land. Scott Raven has a right of first refusal in the Farm Lease in the event the land is sold, but not if purchased by Ms. Lungren.

Earlier in 2014, communications occurred between Petitioner and Ms. Lungren and counsel regarding Ms. Lungren's intentions with respect to her right to purchase the decedent's interest. After a few months, Ms. Lungren proposed that she and Petitioner jointly market the real property. A price range was discussed in July 2014 between Petitioner and his counsel, Ms. Lungren and her counsel (Russell Wood, Esq.), and James Olivas, farm land specialist realtor.

Subsequently, Ms. Lungren and Petitioner agreed that an offer should be made to Scott Raven for purchase of the land for \$32,000/acre less 4% in lieu of a real estate commission. This is in the range of the FMV that Mr. Olivas had suggested. Mr. Wood sent a letter to Mr. Raven, copied to his attorney, J. Stanley Teixeira, on 8-5-14 communicating the offer to sell the partnership land (Exhibit E).

On 10-6-14, Mr. Teixeira transmitted a letter to Petitioner's counsel via email and mail informing her that Scott Raven and Charlyse Raven had purchased Ms. Lungren's interest in the partnership land for an undisclosed price. See deed purporting to convey interest at Exhibit F. The amounts of transfer taxes are not disclosed, concealing the amount of reported consideration for the purported transaction. Mr. Teixeira's letter also included an offer to purchase the estate's interest in the partnership real property for \$1,000,000.00.

To inform the Court, 241.9 acres at \$32,000/acre calculates to \$7,740,800; the estate's 50% share is \$3,870,400. On information and belief, the Probate Referee considers the lengthy lease to Scott Raven to be a detriment to value and appraised the land in the range of \$12,000/acre as of the decedent's death (3-29-13), severely discounting the value. The Probate Referee assigned a value of \$1,456,021 to the combined partnership land, \$12,021 of which was partnership cash.

To further inform the Court, the partnership documents prohibit sale of the partnership land by a partner without the consent of the other partner. Petitioner believes Ms. Lungren may have breached her fiduciary duties as partner by purporting to sell her interest in the land to Scott Raven and his wife, that the purported sale may be void or voidable and/or that Ms. Lungren may be liable to Petitioner and the estate by reason of her breach. From the information communicated to Petitioner by Mr. Olivas and others, Mr. Raven's proposal to purchase the estate's share of the partnership land is egregiously under market value.

Petitioner requests an order of this Court authorizing Petitioner not to proceed to sell the estate's interest in the partnership land as proposed by Mr. Raven.

SEE ADDITIONAL PAGES

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Petitioner states: Petitioner believes he has rights to partition the land and is informed that if Mr. Raven's purchase is valid, the consequence may be that his leasehold is extinguished, thereby relieving the partnership land of the burden of the lease on its value and tremendously increasing the value to the estate.

In the alternative, if the lease is valid, it disparages the value of the land, and Petitioner may be better served to wait until the lease expires in 2023 and then sue in partition. The charitable beneficiaries of the estate are better served by obtaining the earliest highest and best price on sale of the land, and are not well served by delayed distribution, however, waiting until the value is not adversely impacted by the lease is in the beneficiaries' best interest.

Petitioner alleges that as executor and on behalf of the estate, he may have valid claims against Ms. Lungren, Mr. Raven, and potentially others. Petitioner does not have the legal knowledge to evaluate all of these issues and requires advice of skilled legal counsel to act prudently in these circumstances on behalf of the estate and beneficiaries.

Petitioner therefore requests authority to engage his attorneys, Bryan Hinshaw, a professional corporation, to provide him with a thorough legal analysis of the current issues. Exhibit G is a proposed fee agreement and CV of attorneys Richard Bryan and Caroline Hinshaw. The attorneys have indicated that they cannot accommodate the foreseeable level of legal work required to complete an analysis and advise Petitioner as to next steps if payment of fees for their services will be deferred for a long time period.

Therefore, Petitioner requests that the Court authorize execution of the proposed fee agreement and payment for legal services billed at regular rates up to the sum of \$25,000.00 for Bryan Hinshaw to provide advice and guidance regarding the partnership and land. Petitioner understands that these legal services are separate from the decedent's estate and are to be accounted for separately. Both the legal services and the charges therefor in connection with the partnership land matters will be subject to subsequent Court review and can be reported periodically if the Court so wishes.

In addition, Petitioner is in a quandary regarding management of the partnership land in these uncertain circumstances. For example, County Tax Collectors will not accept partial payment of taxes. The portion purchased by Scott Raven will be reappraised for real property tax purposes. The estate should not incur the anticipated greatly increased real property taxes consequent to the reappraisal. Other issues include insurance, utilities, wells, etc. See declaration of J. Stanley Teixeira filed 11-24-14.

To avoid penalties, Petitioner has paid the first installment of the 2014-2015 real property taxes on the land pursuant to tax bills received and certain water district assessments. Pending resolution, Petitioner requests the Court authorize Petitioner to pay 50% of the expenses and costs associated with the estate's ownership of the land and require Scott Raven and Charlyse Raven to pay the other 50%. Upon the anticipated legal analysis and recommendations from counsel, Petitioner will develop a plan of action and may apply again to the Court for instructions or complaints for declaratory or other relief.

SEE ADDITIONAL PAGES

Page 4

Petitioner requests this Court to order that:

1. Executor is authorized to not proceed to sell Estate's interest in the partnership land as proposed by Mr. Raven;
2. Executor is authorized to execute the fee agreement in the form attached hereto as Exhibit G to engage Bryan Hinshaw as counsel and to pay the attorneys fees for legal services on invoice up to the amount of \$25,000.00 from the Estate, such legal services and the charges therefor to be subject to later review and approval by this Court;
3. Pending resolution of the issues, Petitioner requests the Order of this Court authorizing Petitioner to pay 50% of expenses and costs associated with the Estate's ownership of the subject land and requiring Scott M. Raven and Charlyse Raven to pay the other 50% of such expenses and costs; and
4. Such further order be made as the Court considers proper.

See also Memorandum of Points and Authorities in Support of Petition for Instructions filed 12-22-14.

Objection were filed by Scott M. Raven, along with Memorandum of Points and Authorities, on 2-23-15. Supplement to Objections was filed 2-27-15.

Objector states Marlyn Lungren sold her interest to Objector by Grant Deed dated 9-29-14, and Ms. Hinshaw was advised of the sale by letter dated 10-6-14. No response was received for two and a half weeks, evidenced by Ms. Hinshaw's letter of 10-24-14. At no time during the course of repeated inquiry about purchasing the estate's interest in the land did Mr. Reiff or his attorney provide any indication that sale of the land implicated partnership interests. Objector was a bona fide purchaser of Ms. Lungren's interest in the property and Chicago Title Company provided title insurance without reservation.

Objector has made offers for purchase of the estate's interest and stands willing to purchase the property and negotiate terms of sale. There are factors affecting the value which if not addressed immediately could result in serious economic damage to the estate. The plum trees on the property are at risk of being dead within six months or less. Due to continuing uncertainties and delays, Objector has now served Executor with a demand for immediate response to this situation by virtue of a letter form attorney Justin Campagne to Ms. Hinshaw.

Executor requests that he be authorized not to sell the estate's interest in the land as proposed by Objector. If this means specifically Objector's offer of \$1,000,000, it is irrelevant, as Objector has already confirmed his willingness to negotiate and will address the most recent appraisal. If the request is intended to bar any sale to Objector, then it is illogical as he is the most likely and logical buyer for the estate's one half undivided interest. Executor suggests waiting for the lease to expire before selling. This blissfully ignores the impact of projected drought conditions for the foreseeable future and lack of any guarantee the property will be worth the same or more at that time.

Executor requests authorization to enter into a fee agreement for extraordinary legal services up to \$25,000. This seems an unnecessary and exorbitant charge on the estate's resources given that Objector does not dispute the estate's ownership interest or his obligations under the lease.

SEE ADDITIONAL PAGES

Objector states (Continued):

Petitioner requests the Court order Objector to pay 50% of the expenses and costs of the estate's ownership of the land. Objector, as a 50% owner of the land, is willing, has paid, and will pay 50% of expenses and costs associated with ownership, and as such, no order is necessary. Further, Objector, as a tenant, has paid rental proceeds as required under the terms of the lease, and has observed all terms and conditions and confirms obligations to the estate as a tenant.

In summary, Objector objects to the petition for instructions as irrelevant and unnecessary, causing undue expenses and protracted delay in estate administration, not to mention the risk to the estate posed by the glacial pace of response to the water/well matter. Objector has retained the services of Attorney Justin T. Campagne to evaluate potential action and remedy with respect to the apparent delay of the executor in addressing the water issues. Attorney Campagne has been in contact with Attorney Hinshaw, and is trying to ascertain whether any arrangements have been made by the executor for moving forward with drilling water wells. Attorney Campagne was informed that the Executor is in Israel for three weeks and his attorney has no means to communicate with him and cannot confirm whether the estate will replace the wells pursuant to the lease.

Despite repeated attempts to communicate regarding the urgency of this matter, Executor has been slow to respond and is now **incommunicado** (emphasis in original), though he is not in a third world country.

See Points and Authorities in support of Objection.

Attorney for Executor filed Memorandum of Points and Authorities in Response to Objection on 3-3-15.
See document for details.

Status Report filed 6/10/15 by Attorney Hinshaw states a note memorandum settlement was reached, providing that Justice Dibiaso act as the informal binding dispute resolution neutral with respect to the settlement. The transaction contemplated by the settlement is scheduled to occur by 6/22/15. Ms. Hinshaw requests continuance of status hearing subsequent to that date in the hope that the status hearing will be rendered moot by a final settlement.

Status Report filed 6/11/15 by Attorney Teixeira states he sent an email on 6/8/15 inquiring whether any objections to the notice of proposed action had been received and informing that escrow would open upon receipt of the long form agreement. Email response indicated that she had not yet reviewed the agreement and would advise in a few days.

10 Priscilla Gonzales & Mariah Gonzales (GUARD/P) Case No. 13CEPR00568

Petitioner Gonzales, Anthony D (Pro Per – Father)

Petition for Termination of Guardianship

	ANTHONY GONZALES, father, is petitioner.	NEEDS/PROBLEMS/COMMENTS:
	<u>Please see petition for details</u>	
		1. Need Notice of Hearing.
		2. Need proof of service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Termination of Guardianship for: <ul style="list-style-type: none"> • Nicole Gonzales (Guardian) • Daniel Gonzales (Paternal grandfather) • Cecelia Gonzales (Paternal grandmother) • Maternal grandfather (Unknown) • Theresa Martinez (Maternal grandmother)
Cont. from		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: LV
		Reviewed on: 07/10/2015
		Updates:
		Recommendation:
		File 10 - Gonzales

Probate Status Hearing RE: Agreement and Trial

DOD: 5/22/13	TERRI JEAN , Surviving Spouse and Administrator with Limited IAEA with bond of \$64,400, filed a petition for settlement of first account on 2/25/15, which was set for hearing on 4/7/15.	NEEDS/PROBLEMS/COMMENTS:
Aff.Sub.Wit.	RANDI POE , Daughter, filed Objection to Inventory; Petition to Establish Estate's Ownership of Real Property, and for Order Directing its Transfer to Estate under Probate Code §850 on 3/2/15, which was separately set for hearing on 4/7/15.	
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen	Ms. Poe also filed an Objection to the Administrator's Account on 4/3/15.	
Letters	On 4/7/15, the matter was set for trial on 5/12/15 with a one-day time estimate.	
Duties/Supp	On 5/12/15, the trial was vacated. Minute Order states parties are working on an agreement. The Court set a settlement conference for 5/19/15.	
Objections	At settlement conference on 5/19/15, the Court set this status hearing and continued all pending matters to 7/14/15.	
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: skc
		Reviewed on: 7/8/15
		Updates:
		Recommendation:
		File 11 - Jean

Status Hearing Re: Property Listing

DOD: 01/13/2013	GLORIA B. LEDOUX , sister, was appointed Administrator with limited IAEA authority without bond on 11/06/2013.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>OFF CALENDAR</u> Per Minute Order of 06/09/2015 as Status Report Re: Listing Agreement was filed on 07/07/2014.</p> <p>Minute Order of 06/09/2015: The Court orders that the real property be listed within 30 days. Counsel is to file a verified Status Report with proof of the listing attached. If the report is filed at least two court days prior, then no appearance is necessary on 07/14/2015. Likewise, if the accounting is filed at least two court days prior to 12/08/2015, then no appearance is necessary on that date.</p>
	Letters issued on 11/06/2013.	
Cont. from 010915, 041415, 060915	Inventory and Appraisal filed 11/08/2013 shows an estate valued at \$180,000.00.	
Aff.Sub.Wit.		
Verified		
Inventory	Minute Order of 11/06/2013 set this matter for hearing for the filing of the First Account and/or Petition for Final Distribution.	
PTC		
Not.Cred.		
Notice of Hrg	Status Report filed 07/07/2015 states the real property located at 1515 Rose Ave in Selma, California, has been listed for sale with Susan Emerzian Rogers, Real Estate Broker for Amos Emerzian & Associates. Copy of the listing is attached.	
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: LV
		Reviewed on: 07/09/2015
		Updates:
		Recommendation:
		File 12 - Morales

Atty Brownson, Maria Begonia (pro per – Conservator of the Person)

Atty LeVan, Nancy J. (Court Appointed for Conservatee)

Atty Kruthers, Heather (for Public Guardian – Conservator of the Estate)

Status Hearing Re: Filing of the Inventory and Appraisal

DOD: 12/19/14	On 06/25/14, MARIA BEGONIA BROWNSON , daughter, was appointed as Conservator of the Person and PUBLIC GUARDIAN , was appointed as Conservator of the Person.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>CONTINUED FROM 04/07/15</u></p> <p>1. Need Final Inventory & Appraisal.</p> <p>Notes: Partial I & A was filed 11/13/14. First and Final Account of Conservator was filed 06/15/15 and is set for hearing on 07/21/15, however, no Final Inventory & Appraisal has been filed and it does not appear that anything has been filed indicating that the Partial I & A filed 11/13/14 contains all of the assets of the estate. Need clarification and/or Final Inventory & Appraisal.</p>
Cont. from 102814, 012715, 040715	Letters were issued to Maria Begonia Brownson on 07/23/14 and to the Public Guardian on 07/25/14.	
Aff.Sub.Wit.	<p>Minute Order from 06/25/14 set this matter for status regarding filing of the Inventory & Appraisal.</p> <p>Inventory & Appraisal, partial no. 1 filed 11/13/14 - \$421,000.00</p> <p>Status Report Regarding Filing First & Final Account filed 04/02/15 states: The conservatee died on 12/19/14. The Public Administrator has filed a petition for probate for the conservatee's estate (15CEPR00251), which will be heard on 04/22/15. Once the petition is approved, the Public Guardian will be in a position to complete the schedules and other documents for the final account. To allow time for the estate hearing and for the preparation and filing of the final account, it is respectfully requested that this matter be set out another 90 days.</p>	
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		<p>Reviewed by: JF</p> <p>Reviewed on: 07/08/15</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 13 – Garcia</p>

15 In Re: The Kermit F. Fish and Rosalie J. Fish Revocable Living Trust Agreement dated 10/25/1993; Trust A-the Survivor's Trust; Trust B-the Family Trust Case No. 15CEPR00402

Attorney Nahigian, Eliot S. (for Petitioners Phillip F. Fish and Andrea K. Fritzen)
 Attorney Adams, Jon P. (for Objector Joseph F. Fish)

Petition to Remove a Co-Trustee and Appoint Successor Trustee; for Instruction to Trustee to Reimburse Income Tax Payments, Remedy a Breach of Trust, Pay Accountant, Withdraw Certificates of Deposit, and Distribute Trust Estate

Kermit F. Fish DOD: 8/18/03	PHILLIP F. FISH and ANDREA K. FRITZEN are Petitioners.	NEEDS/PROBLEMS/ COMMENTS:
Rosalie J. Fish DOD: 8/2/14	Petitioners state: Kermit F. Fish and Rosalie J. Fish established the Kermit F. Fish and Rosalie Revocable Living Trust on 10/25/93, amended 12/4/95. Upon the death of Kermit Fish on 8/18/03, the trust was divided into two sub-trusts: a revocable Survivor's Trust (the Rose Fish Trust), and the irrevocable Family Trust . Rose Fish amended the Rose Fish Trust on 6/21/07.	
	The Co-Trustees of the Family Trust are PHILLIP F. FISH and JOSEPH F. FISH .	
Cont. from 060215	The Co-Trustees of the Rose Fish Trust are PHILLIP F. FISH, ANDREA K. FRITZEN, and JOSEPH F. FISH .	
<input type="checkbox"/> Aff.Sub.Wit.	The Family Trust assets were distributed in equal shares to the beneficiaries on or about 1/22/15.	
<input checked="" type="checkbox"/> Verified	Rose Fish had a general power of appointment over the Rose Fish Trust, and if not exercised, then the unappointed principal was to be added to the Family Trust upon her death.	
<input type="checkbox"/> Inventory	The Rose Fish Trust assets were not distributed to the Family Trust.	
<input type="checkbox"/> PTC	As of 12/31/14, the assets of the Rose Fish Trust included various accounts totaling \$418,843.18, plus the contents of a Safe Deposit Box and various coins found in the Rose Fish Piano.	
<input type="checkbox"/> Not.Cred.	Petitioners state they have requested that the Rose Fish Trust be distributed. Co-Trustee JOSEPH F. FISH has refused to make distribution. Under Probate Code §15620, unanimous action is required by the co-trustees.	
<input checked="" type="checkbox"/> Notice of Hrg	SEE ADDITIONAL PAGES	
<input checked="" type="checkbox"/> Aff.Mail w		Reviewed by: skc
<input type="checkbox"/> Aff.Pub.		Reviewed on: 7/8/15
<input type="checkbox"/> Sp.Ntc.		Updates:
<input type="checkbox"/> Pers.Serv.		Recommendation:
<input type="checkbox"/> Conf. Screen		File 15 - Fish
<input type="checkbox"/> Letters		
<input type="checkbox"/> Duties/Supp		
<input checked="" type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
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<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		

15 In Re: The Kermit F. Fish and Rosalie J. Fish Revocable Living Trust Agreement dated 10/25/1993; Trust A-the Survivor's Trust; Trust B-the Family Trust Case No. 15CEPR00402

Page 2

Petitioners state: Except for accounting fees owed to CPA Jim G. Sabbatini and income taxes, all creditors of Rose Fish, the Rose Fish Trust, and the Family Trust have been paid, and the trusts are in a condition for distribution. Mr. Sabbatini provided an estimate of the income taxes due for Rose Fish's 2014 income tax returns and on 3/13/15, a letter and email were sent to Jon Adams, attorney for Joseph Fish, informing him of the Federal and California combined liability of \$13,000.00. Mr. Sabbatini timely prepared vouchers for automatic extensions of time to file. Petitioners had a letter prepared to Wells Fargo Advisors from all three co-trustees with instructions to prepare checks for the tax payments. Joseph Fish did not sign the letter of instruction and Wells Fargo Advisors did not issue the checks for the tax payments.

On 4/6/15, Mr. Sabbatini computed the extension payments and Petitioners advanced two-thirds of the extension payments and now each of them seeks reimbursement from the Rose Fish Trust for the Federal income tax payment of \$3,169.00 and the California income tax payment of \$787.00. Advancement by the co-trustees and reimbursement is allowed under the terms of the trust.

Breach of Trust: Petitioners state the failure of Joseph F. Fish to agree to distribution and to sign the letter of instruction and make the payments of income taxes constitute a breach of trust including breach of duty to administer the trust according to its terms and the duty of loyalty. All three remainder beneficiaries have been damaged by the actions of Joseph F. Fish including legal fees of \$5,063.50 for filing this petition and \$3,620.00 for legal work in connection with the payment of income taxes. See Exhibits F and G. Petitioners request the court remedy this breach by paying \$8,683.50 from the trust estate to Coleman and Horowitz, LLP.

Further, Petitioners request the court remedy the breach of trust by removing Joseph F. Fish as a co-trustee of the Rose Fish Trust and as a co-trustee of the Family Trust.

Under the terms of the Rose Fish Trust pursuant to the Second Amendment, upon the resignation, incapacity or death of any of the co-trustees, the remaining individuals shall serve as trustees. Petitioners requests that they be appointed as the Co-Trustees of the Rose Fish Trust.

Under the terms of the Family Trust pursuant to the First Amendment, upon the resignation, incapacity, or death of a co-trustee, then the remaining individual shall serve as sole trustee. Petitioners request that Phillip F. Fish be appointed sole trustee of the Family Trust.

Accounting Fees: Mr. Sabbatini has submitted invoices totaling \$3,295.00 that have not yet been paid, and has also provided accounting services in connection with preparation of an informal accounting totaling \$600.00. An estimated final accounting bill is \$1,450.00. Mr. Sabbatini seeks a total payment of \$5,345.00.

SEE ADDITIONAL PAGES

Dept. 303, 9:00 a.m. Tuesday, July 14, 2015

**15 In Re: The Kermit F. Fish and Rosalie J. Fish Revocable Living Trust
Agreement dated 10/25/1993; Trust A-the Survivor's Trust; Trust B-the Family Trust
Case No. 15CEPR00402**

Page 3

Petitioners pray for the following:

1. An order removing Joseph F. Fish as a co-trustee of the Rose Fish Trust;
2. An order appointing Phillip F. Fish and Andrea K. Fritzen as co-trustees of the Rose Fish Trust;
3. An order removing Joseph F. Fish as a co-trustee of the Family Trust;
4. An order appointing Phillip F. Fish as sole trustees of the Family Trust;
5. An order instructing Phillip F. Fish and Andrea K. Fritzen as co-trustees of the Rose Fish Trust to:
 - a. Reimburse Petitioners \$3,169 each for the amounts advanced for extension payments on federal income taxes and \$787 each for California income taxes for Rose Fish for 2014;
 - b. Pay \$8,683.50 to Coleman & Horowitz, LLP to remedy a breach of trust in connection with failing to make distribution of the Rose Fish Trust and to remedy a breach of trust in connection with income tax returns and extensions;
 - c. Pay Jim Sabbatini \$5,345 for accounting services;
 - d. Completely withdraw the CDs of the Rose Fish Trust held at EECU;
 - e. Distribute the balance of the Rose Fish trust estate to Phillip F. Fish as trustee of the Family Trust;
6. An order instructing Phillip F. Fish as sole trustees of the Family Trust to:
 - a. Retain a reserve for closing expenses of \$9,000.02 and to distribute the balance of the reserve account equally to the beneficiaries without further court order;
 - b. Distribute the trust estate of the Family Trust, including additions from the Rose Fish Trust, to the persons entitled thereto;
7. For costs herein; and
8. For such other orders as the Court deems proper.

Update: Objection filed 6/30/15 by Co-Trustee Joseph F. Fish states Petitioner's motion should be denied. Petitioner filed a Reply to the Objection on 7/7/15.

SEE ADDITIONAL PAGES

Dept. 303, 9:00 a.m. Tuesday, July 14, 2015

15 In Re: The Kermit F. Fish and Rosalie J. Fish Revocable Living Trust Agreement dated 10/25/1993; Trust A-the Survivor's Trust; Trust B-the Family Trust Case No. 15CEPR00402

Page 4

Objection provides history and states that during the course of their combined efforts to resolve unpaid bills and determine the full extent of the financial holdings, communications and cooperation between the three siblings reached an impasse after approx. \$75,000 had been cooperatively distributed. The CPA who handled the personal and trust tax returns indicated that approx. \$341,000 had been spent providing care for their mother. Objector requested the cooperation of his siblings in obtaining full financial disclosure pertaining to expenses actually paid, expenses that remained unpaid, and locating additional undisclosed assets. Each time, Joseph was told not to worry about it, and was denied. Eventually, counsel for each side became involved.

The parties struck an informal agreement whereby Joseph was to receive the cooperation of his siblings by their signing financial authorizations to allow him to obtain copies of the records for the pertinent time frame at his own expense. In exchange, the entirety of the holdings in Trust B were distributed. However, as soon as Trust B was distributed, Petitioners advised they would not cooperate as previously indicated until distribution of Trust A was completed.

Objector contacted numerous institutions and has confirmed a previously undisclosed CD in excess of \$18,000, a CalSTRS death benefit in excess of \$5,000, and the existence of several other accounts for which information was not released because Objector was not named on the account. Objector hired a forensic accountant to review the limited information obtained. A number of discrepancies resulted in Objector filing **Fresno County Superior Court Case No. 15CECG01222** against Andrea K. Fritzen alleging negligence, financial elder abuse, fraud deceit, conversion and breach of fiduciary duty. Petitioners responded by filing this petition.

See Objection for specific disputed issues. Objector states the Court should maintain the status quo pending financial investigation. There is no risk of assets losing value, and nearly \$2.5 million has already been distributed equally between the three adult siblings. There would be no prejudice to the parties for this Court to order the status quo be maintained until further hearing on or about 9/15/15. By that time, Objector will have obtained the missing financial documents and the forensic CPA will have had time to evaluate the records to determine the propriety of questionable financial transactions and report back to this court accordingly.

Reply filed 7/7/15 addresses the disputed issues identified in the Objection including accounting fees, distribution, and tax payments, and requests the Court order distribution as prayed.

Dept. 303, 9:00 a.m. Tuesday, July 14, 2015

19 Zakyla Madison (GUARD/P)

Case No. 15CEPR00495

Petitioner Madison, Annie Bell (Pro Per – Paternal Grandmother)

Petition for Appointment of Guardianship of the Person

		<p>ANNIE BELL MADISON, paternal grandmother, is petitioner.</p> <p><u>Please see petition for details</u></p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> 1. Need Notice of Hearing. 2. Need proof of personal service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian or consent and waiver of notice or declaration of due diligence for: <ul style="list-style-type: none"> • Andre Jermerian Madison (Father) • KaJuana Rhone (Mother) 3. Need proof of service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian or consent and waiver of notice or declaration of due diligence for: <ul style="list-style-type: none"> • Arthur Leon Madison (Paternal Grandfather) • Maternal Grandfather (Unknown) • Maternal Grandmother (Unknown) • Audrey Jramine Madison Jr. (Sibling) • Audrey Jramine Madison III (Sibling) • Dae' Jahnuque Seward (Sibling) • Auriyan Madison (Sibling) • Kiara Tolvert (Sibling) • Alizia Madison (Sibling) 	
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<input type="checkbox"/>	9202			
<input checked="" type="checkbox"/>	Order			
<input type="checkbox"/>	Aff. Posting			
<input type="checkbox"/>	Status Rpt			
<input checked="" type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			
Reviewed by: LV				
Reviewed on: 07/10/2015				
Updates:				
Recommendation:				
File 19 - Madison				

Attorney Schmidt, William L. (attorney for Petitioner and Respondent Trustee)

Petition for Transfer of Administration from Another Jurisdiction Pursuant to California Probate Code 17451, 17452

DOD: Not provided	DWAYNE R. FROSCH , beneficiary of the Patricia J. Schmidt Trust FBO Dwayne Frosch (the Schmidt Trust), age 45, is Petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> 1. The petition is not verified. See Probate Code §1020 et seq. 2. The petition does not state the names and addresses of each person entitled to notice of this petition pursuant to Probate Code §17201. 3. Need Notice of Hearing. 4. Need proof of service of Notice of Hearing at least 30 days prior to the hearing on all persons entitled thereto pursuant to Probate Code §17203. 5. The authority, purpose and necessity of this petition is unclear. Please see details on Page 3. <p style="text-align: center;"><u>SEE ADDITIONAL PAGES</u></p>	
	Petitioner states WILIAM L. SCHMIDT , a resident of Fresno and attorney for Petitioner, has been appointed conditional trustee by the District Court in and for the County of Cerro Gordo, Iowa to accomplish a transfer of jurisdiction to the State of California. Mr. Schmidt has no familial relationship with the settlor or her kin. Mr. Schmidt will become the sole trustee of the Schmidt Trust once administration of the trust and assets mentioned below are transferred to this jurisdiction.		
	The Schmidt Trust was created 8/19/13 by Patricia J. Schmidt in Mason City, Iowa. The sole beneficiary is Petitioner Dwayne R. Florence, presently a resident of the Federal Correctional Institution Florence located in the city of Florence, County of Fremont, Colorado.		
	The Schmidt Trust has been subject to the supervision of the District Court in and for the County of Cerro Gordo, Iowa. An appropriate request for transfer of place of administration was filed 2/19/15 and approved by District Court Judge James M. Drew on 2/23/15.		
	William L. Schmidt has agreed to accept trust in this state. Petition sets forth his qualifications.		
	Bond is not requested.		
	SEE ADDITIONAL PAGES		
			Reviewed by: skc
			Reviewed on: 7/10/15
			Updates:
			Recommendation:
			File 22 - Schmidt
Aff.Sub.Wit.			
Verified	x		
Inventory			
PTC			
Not.Cred.			
Notice of Hrg	x		
Aff.Mail			
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Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order	x		
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			

Page 2

Petitioner states the trust is comprised of liquid capital and negotiable securities (e.g., stocks and mutual funds) as follows:

- i. Account xx3500 valued at \$46,050.47, presently held by First Citizens National Bank in trust for the Schmidt Trust. The resignation as trustee pertaining to First Citizens National Bank is attached.
- ii. Attorney Trust Account \$5,000.00 presently being held by the law firm of Heiny, McManigal, Duffy, Sambaugh & Anderson, P.L.C.
- iii. Patricia J. Schmidt Estate \$77,236.07, presently held by Steve Schroeder, executor of the Patricia J. Schmidt Estate.

The above-described assets do not require liquidation prior to transfer to this jurisdiction. Transfer of the place of administration and its assets described above is sought for reason that Petitioner anticipates residing in the State of California upon his release. As such, transfer to this jurisdiction will facilitate the economical and convenient administration of the trust and promote the best interests of the trust and those interested.

Petitioner prays as follows:

1. That the Court issue an order accepting transfer of the place of administration of the Schmidt Trust as well as all Schmidt Trust assets;
2. That the Court appoint Respondent William L. Schmidt as trustee to administer the trust in this state;
3. For any other relief that the Court may deem just and proper.

Examiner notes that the following documents are attached to the petition:

A: Last Will and Testament of Patricia J. Schmidt, which appears to contain the terms of the instant trust, and various related documents related to the Estate of Patricia J. Schmidt in the Iowa District Court for Cerro Gordo County

B: Application Regarding Appointment of New Trustee and Transfer of Jurisdiction to California;

C: Order Approving Application Regarding Appointment of New Trustee and Transfer of Jurisdiction to California

D: Resignation to Serve as Trustee by First Citizens National Bank.

SEE ADDITIONAL PAGES

Page 3

NEEDS/PROBLEMS/COMMENTS (Cont'd):

5. (Cont'd): The authority, purpose and necessity of this petition is unclear. Examiner notes the following details:

The Decedent's will provides for distribution to a testamentary trust: the "Patricia J. Schmidt Trust." The Testamentary Trust then provides for its own separate administration and distribution in two shares, one for Petitioner Dwayne R. Frosch, and one for Derrick Shawn Bayliff, which shares are to be retained in trust and administered pursuant to the terms set forth therein until the beneficiary reaches age 25, at which time the share trust terminates and the beneficiary is entitled to outright distribution. The will was admitted to probate in Iowa in 2013.

If the estate of the decedent was being administered under California law, the estate would distribute to the trustee of the testamentary trust, thereby creating the testamentary trust by Court order, and in doing so, the estate would be closed. The trustee of the testamentary trust would then make distributions to the beneficiaries pursuant to the terms of the trust, which does not require Court oversight, unless necessary, and if so, a petition would be filed in the appropriate jurisdiction/venue according to trust law.

Here, the executor of the estate and the nominated trustee of the testamentary trust. Petitioner does not state where he resides (see #2 above) for purposes of trust jurisdiction.

a. It is unclear whether the Estate of Patricia J. Schmidt has closed and distributed to the beneficiary, which is the testamentary trust that Petitioner is the beneficiary of. Petitioner indicates that the majority of the assets are still being held by the executor of the estate, rather than the trustee of the testamentary trust, and also by an attorney's office, so it does not appear that such prerequisite distribution has been authorized or occurred, *except that* other assets appear to have been distributed to various "trustees," as evidenced by First Citizens National Bank's resignation.

b. Petitioner is 45 years old. Why is a trust being created for his share, when the terms of the testamentary trust do not appear to require this for beneficiaries over age 25?

c. If there is a reason for this beneficiary's share trust's continued existence, why would a California court order be required for transfer of jurisdiction of administration of a trust that is not subject to continuing jurisdiction?

d. Petitioner is currently incarcerated in Colorado, but plans to reside in California upon his release. California Probate Code §9202(b) provides for certain notice requirements for incarcerated estate beneficiaries. The Court may require clarification as to whether any such similar provisions exist in connection with Iowa Probate Code under which the estate/trust(?) is currently being administered and the result of such notice, if required.

6. Probate Code §15602(a)(3) requires bond for trustee not named in the trust instrument. The Court may require bond of \$94,9151.19, which includes cost of recovery.

Note: Upon further clarification, the Court may have additional questions or issues.

Petitioner Emery, Debra M. (pro per – daughter)

Petitioner Wadford, Regina (pro per – daughter)

Amended Petition to Determine Succession to Real Property (Prob. C. 13151)

DOD: 06/23/09		<p>DEBRA EMERY and REGINA WADFORD, daughters, are Petitioners.</p> <p>40 days since DOD</p> <p>No other proceedings.</p> <p>I & A – not attached to Petition.</p> <p>Will dated – not attached to the Petition.</p> <p>Petitioners request Court determination that real property located at [NEED ATTACHMENT 11] pass to then pursuant to decedent's will [NEED COPY OF WILL].</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>OFF CALENDAR Amended Petition filed 07/07/15 and set for hearing on 08/13/15</p>	
Cont. from 051215, 6/16/15, 063015				
<input type="checkbox"/>	Aff.Sub.Wit.			
<input checked="" type="checkbox"/>	Verified			
<input type="checkbox"/>	Inventory			
<input type="checkbox"/>	PTC			
<input type="checkbox"/>	Not.Cred.			
<input type="checkbox"/>	Notice of Hrg			x
<input type="checkbox"/>	Aff.Mail			x
<input type="checkbox"/>	Aff.Pub.			
<input type="checkbox"/>	Sp.Ntc.			
<input type="checkbox"/>	Pers.Serv.			
<input type="checkbox"/>	Conf. Screen			
<input type="checkbox"/>	Letters			
<input type="checkbox"/>	Duties/Supp			
<input type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input type="checkbox"/>	CI Report			
<input type="checkbox"/>	9202			
<input type="checkbox"/>	Order	x		
<input type="checkbox"/>	Aff. Posting			
<input type="checkbox"/>	Status Rpt			
<input type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			
<p>Reviewed by: JF</p> <p>Reviewed on: 07/08/15</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 23 – Taylor</p>				

Amended Petition for Letters of Administration; Authorization to Administer Under Limited IAEA (Prob. C. 8002, 10450)

DOD: 2/27/14	IRENE IRLAS and RUBEN IRLAS , are petitioner and request appointment as Administrators without bond.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Continued from 07/07/2015. Minute order states due to late-filled waivers.</p> <p>Continued from 5/26/15. Minute order states bond will be set at \$15,000.00; all waivers must be on the mandatory judicial council forms.</p> <p>Note: If the petition is granted, status hearings will be set as follows:</p> <ul style="list-style-type: none"> • Wednesday, August 19, 2015 at 9:00 a.m. in Department 303, for the filing of the bond, if required. • Wednesday, December 16, 2015 at 9:00 a.m. in Department 303, for the filing of the inventory and appraisal. • Wednesday, September 7, 2016 at 9:00 a.m. in Department 303, for the filing of the first account or petition for final distribution. <p>Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior the date set the status hearing will come off calendar and no appearance will be required.</p>
	Limited IAEA – o.k.	
Cont. from 042815, 052615, 070715	Decedent died intestate.	
<input type="checkbox"/> Aff.Sub.Wit.	Residence: Selma	
<input checked="" type="checkbox"/> Verified	Publication: Selma Enterprise.	
<input type="checkbox"/> Inventory		
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.		
<input type="checkbox"/> Notice of Hrg	Estimated value of the estate:	
<input checked="" type="checkbox"/> Aff.Mail W/	Personal property - \$ 15,000.00	
<input checked="" type="checkbox"/> Aff.Pub.	Real property - \$120,000.00	
<input type="checkbox"/> Sp.Ntc.	Total - \$135,000.00	
<input type="checkbox"/> Pers.Serv.	Probate Referee: Steven Diebert.	
<input type="checkbox"/> Conf. Screen		
<input checked="" type="checkbox"/> Letters		
<input checked="" type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
		Reviewed by: KT/LV (for 07/14/15 hearing)
		Reviewed on: 07/09/2015
		Updates:
		Recommendation: Submitted
		File 24 - Irlas

Petitioner Gilbert R. Chavez Jr. (Pro Per – Step-Father – Petitioner)

Petitioner Amy Nicole Chavez (Pro Per – Wife of Step-Father – Petitioner)

Petition for Appointment of Temporary Guardian of the Person

		See petition for details.	NEEDS/PROBLEMS/COMMENTS: 1. Need Notice of Hearing and proof of personal service of Notice of Hearing with a copy of the temp petition at least five court days prior to the hearing per Probate Code §2250(e) on: - Vanessa M. Vasquez (Mother)	
Cont. from 060915, 070715				
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
	Notice of Hrg			x
	Aff.Mail			
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			x
✓	Conf. Screen			
✓	Letters			
✓	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
✓	UCCJEA			
	Citation			
	FTB Notice			
		Reviewed by: skc		
		Reviewed on: 7/8/15		
		Updates:		
		Recommendation:		
		File 25 - Vasquez		

26 Abigail Moran, Deborah Moran (GUARD/P) Case No. 15CEPR00625

Petitioner Pereira, Mayra (pro per – maternal great-grandmother)

Petitioner Hernandez, Mayra A. (pro per – maternal aunt)

Status Re: Additional Visitation Orders

Abigail, 1	<p align="center"><u>TEMPORARY EXPIRES 08/25/15</u> <u>GENERAL HEARING: 08/25/15</u></p> <p>MAYRA PEREIRA and MAYRA HERNANDEZ, maternal aunt and maternal grandmother, petitioned to be appointed as Temporary and General Guardians of the minors on 06/25/15.</p> <p>Temporary Guardianship was granted to Petitioners on 07/07/15 to expire on 08/25/15.</p> <p>Minute Order from 07/07/15 set this status hearing re additional visitation and states: The Court orders the minor Abigail returned to Mayra Hernandez today at 5:00pm. The Court further orders supervised visitation for Enrique Moran, father, Wednesday from 6:00pm to 8:00pm, Friday from 7:00pm to 9:00pm, and Sunday from 9:45am to 3:00pm, at the Open Bible Church in Firebaugh.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Parties are Spanish speaking.</p>
Deborah, 7 mos.		
Cont. from 070715		
<input type="checkbox"/> Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified		
<input type="checkbox"/> Inventory		
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.		
<input checked="" type="checkbox"/> Notice of Hrg		
<input checked="" type="checkbox"/> Aff.Mail w/		
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv. x		
<input checked="" type="checkbox"/> Conf. Screen		
<input checked="" type="checkbox"/> Letters		
<input checked="" type="checkbox"/> Duties/Supp		
<input checked="" type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input checked="" type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
	<p>Reviewed by: JF</p> <p>Reviewed on: 07/08/15</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 26 - Moran</p>	